

February 3, 2009

TO: Teresa Parsons
Director's Review Program Supervisor

FROM: Kristie Wilson
Director's Review Investigator

SUBJECT: John Brooks v. Eastern Washington University
Allocation Review Request ALLO-07-103

On October 13, 2008, I conducted a Director's review by a telephone conference call concerning the allocation of John Brooks' position. Present during the telephone conference were John Brooks, EWU; Kerry Pease, Director of Sports and Recreation; David Earling, Director of Recreation Facility; Electra Jubon, WFSE; Mark Schuller, EWU Human Resources; and myself.

Director's Determination

This position review was based on the work performed for the six-month period prior to June 15, 2007 the date Mr. Brooks requested reallocation of his position. As the Director's investigator, I carefully considered all of the documentation in the file, the exhibits presented during the Director's review conference, and the verbal comments provided by both parties. Based on my review and analysis of Mr. Brooks' assigned duties and responsibilities, I conclude his position should be allocated to a Recreation and Athletics Specialist 2 classification.

Background

On June 15, 2007, Mr. Brooks submitted a reallocation request letter (Exhibit A-4) to EWU HR Office requesting that his position be allocated to a Recreation and Athletics Specialist 2 (RAS 2). Mr. Schuller reviewed his request and issued his decision by letter dated October 1, 2007 (Exhibit A-6). In his letter Mr. Schuller outlined the reasons and basis for his denial. On October 31, 2007, Mr. Brooks filed a request for a Director's review.

Summary of Mr. Brooks Perspective

Mr. Brooks asserts that he is responsible for supervising 15-20 student employees during special events. Mr. Brooks states that he has weekly meetings with these students to discuss any schedule changes of special events and to review the schedule.

Mr. Brooks states that he has worked 30 years in the recreation program at EWU. He feels that his duties rise above the RAS 1 level, which is considered entry level, trainee, intern, and/or a stepping stone to other levels within the RAS series. Mr. Brooks states that he operates independently within the Sports and Recreation Program and manages the Sports and Recreation facility in his supervisor's absence.

Mr. Brooks explained that he is the first person to arrive at the facility in the morning. He ensures all areas in the facility are ready for use by patrons, instructors, and students.

Mr. Brooks asserts that he is responsible for aquatic, building, event management in the absence of his supervisor (RAS 2). While in this role, Mr. Brooks performs the following duties:

- Crowd management – ensure safe and positive experience.
- Coordinate and provide facility resources to ensure the success of the event.
- Assist athletics in the technical, operational, and customer service capacity.
- Responsible for risk management.

Mr. Brooks explained that he also assists in pool management when the Pool Manager or other trained professionals are not available.

Mr. Pease (Mr. Brooks' supervisor) states that Mr. Brooks performs professional level duties, and therefore should not be classified as paraprofessional. Mr. Pease states that all members of the Sports and Recreation Center perform at the professional level. Mr. Pease and Mr. Brooks both believe the RAS 2 job classification best describes the work assigned to his position.

Summary of EWU's Reasoning

EWU agrees that Mr. Brooks does supervise a pool of students. In fact students have multiple supervisors which include all RAS positions in the Sports and Recreation center.

EWU disagrees with the RAS 1 classification being treated as entry level and they do not treat RAS 1 as entry level. EWU asserts that Mr. Brooks' duties include assisting in the duties of his supervisor.

EWU feels that the RAS 1 is the most appropriate classification based on the duties and the scope of Mr. Brooks' position. EWU states that Mr. Brooks spends the majority of time ensuring the facilities within the Sports and Recreation center are set up appropriately for clients using the facility for athletic contests, intramural activities, and special events.

EWU states that Mr. Brooks' major tasks involve dealing with equipment and its repair as well as handling setups of the facilities for its clients. He is not the decision maker as to the content of the programs being offered in the Sports and Recreation Program. Therefore, they feel his position falls within the scope of the RAS 1 classification.

Rationale for Director's Determination

The purpose of a position review is to determine which classification best describes the overall duties and responsibilities of a position. A position review is neither a measurement of the volume of work performed, nor an evaluation of the expertise with which that work is performed. A position review is a comparison of the duties and responsibilities of a particular position to the available classification specifications. This review results in a determination of the class that best describes the overall duties and responsibilities of the position. Liddle-Stamper v. Washington State University, PAB Case No. 3722-A2 (1994).

The distinguishing characteristics for Recreation and Athletics Specialist 1 states:

Paraprofessional level of the series. Coordinates with recreational staff, campus departments, student committees, and sports clubs in conducting parts of a recreational revenue/nonrevenue-producing sports program. Assists in publicizing, scheduling, and monitoring events.

The definition for Recreation and Athletics Specialist 1 states:

Under the direction of professional recreation staff, provides entrance level recreation activities, such as assistance in the implementation and organization of specific parts of a recreational revenue/nonrevenue-producing sports program, social activities, drama, music, outings, literature and/or arts and crafts activities.

Although Mr. Brooks does assist in the implementation and organization of specific parts of the Sports and Recreation center I feel his duties are performed independently and at a professional level. Some of his duties include supervising and scheduling 15-20 student staff within the Sports and Recreation center. Mr. Brooks also works independently and performs his work with little supervision. He is responsible for reviewing the schedule and suggesting changes if necessary.

Most positions within the civil service system occasionally perform duties that appear in more than one classification. However, when determining the appropriate classification for a specific position, the duties and responsibilities of that position must be considered in their entirety and the position must be allocated to the classification that provides the best fit overall for the majority of the position's duties and responsibilities. See Dudley v. Dept. of Labor and Industries, PRB Case No. R-ALLO-07-007 (2007).

The definition for Recreation and Athletics Specialist 2 states:

Implements, organizes, schedules, and conducts group and/or individual recreational activities which are part of a larger recreational/sports program system; or participates/assists in recreational therapy for clients such as patients, students, offenders, or other residents of a state institution/facility. Plans, monitors expenses to help ensure that program budget is maintained; assists with management of a facility.

Some examples of typical work performed by a Recreation and Athletics Specialist 2 states (in part):

- Develops schedule of recreation activities to meet needs, interests, and abilities of individual clients or groups of clients such as patients, students, inmates, or other residents of State institution.
- Leads, trains, and coordinates employees in recreation program.
- Plans, organizes, and directs part of recreation program for designated number of clients in institutions.
- Assists, or contacts, community resources in planning for special events.
- Assigns, instructs, and checks the work of assigned employees.

The duties and responsibilities assigned to Mr. Brooks' position fit closer to the RAS 2 definition and typical work performed. While examples of typical work identified in a class specification do not form the basis for an allocation, they lend support to the work envisioned within a classification.

A position's allocation is not based on an evaluation of performance or an individual's ability to perform higher-level work. Rather, it is based on the majority of work assigned to a position. In this case, the Recreation and Athletics Specialist 2 classification best describes the work assigned to Mr. Brooks' position.

Appeal Rights

RCW 41.06.170 governs the right to appeal. RCW 41.06.170(4) provides, in relevant part, the following:

An employee incumbent in a position at the time of its allocation or reallocation, or the agency utilizing the position, may appeal the allocation or reallocation to . . . the Washington personnel resources board Notice of such appeal must be filed in writing within thirty days of the action from which appeal is taken.

The address for the Personnel Resources Board is 2828 Capitol Blvd., P.O. Box 40911, Olympia, Washington, 98504-0911.

If no further action is taken, the Director's determination becomes final.

c: John Brooks
Electra Judon, WFSE
Mark Schuller, EWU
Lisa Skriletz, DOP

Enclosure: List of Exhibits